

REMARKS

Claims 22, 25, 27, and 30 are currently pending in the present application. Claims 22 and 30 are the only claims in independent form.

Specifically referring to the Office Action, claims 23 and 24 have been rejected under 35 U.S.C. §112, second paragraph. However, these claims have been canceled from the present application. Therefore, the rejection of these claims has been rendered moot. Reconsideration of the rejections are respectfully requested.

Claim 30 stands rejected under 35 U.S.C. §112, first paragraph, for lack of enablement for use of any medicament composition into the rectum of an individual for treating migraine headache. However, the Office Action holds that the specification is enabled for administration of an effective amount of valproate and its salt as a suppository. In response thereto, the presently pending claims were amended to be specifically directed towards a medication selected from the group of valproate, sodium valproate, and valproate salt. No other drugs or medicines are included in the medication. Therefore, claim 30 is enabled in view of the specification. Reconsideration of the rejection is respectfully requested.

Claims 22-25, 27, and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,071,927 to Baker, et al. (hereinafter, "the '927 patent") and by U.S. Patent No. 6,096,742 to Crocker, et al. (hereinafter, "the '742 patent"). According to the Office Action, the '927 patent teaches an invention that treatment or prevention of pain, inflammation, migraine, and emesis could be achieved by rectal administration of a composition comprising effective amounts of acetaminophen, aspirin, ibuprofen, naproxen, and valproate. Additionally, the Office Action holds that the '742 patent teaches an invention wherein headache, migraine, and pain were treated by administration of a composition comprising acetaminophen, aspirin, ibuprofen, naproxen, and valproate.

In response to the rejection under 35 U.S.C. § 102(b), Applicant has amended independent claims 22 and 30. Specifically, claim 22 was amended to be directed towards a medicine suppository comprising a medication selected from the group consisting of valproate, sodium valproate, and valproate salts. Additionally, claim 30 was amended to be directed towards a method of treating a migraine headache by administering an effective amount of a medication selected from the group consisting of valproate, sodium valproate, and valproate salts. Since claims 22 and 30 are directed towards a medication only including valproate, sodium valproate, and valproate salts as the effective medication or drugs, the presently claimed invention is patentably distinct over the cited prior art references. Neither the '927 patent nor the '742 patent disclose a composition only including valproate, sodium valproate, and/or valproate salts. Both the '927 patent and the '742 patent disclose a composition including additional components such as acetaminophen, aspirin, ibuprofen, and naproxen. Since the presently claimed invention does not include those additional components, the presently claimed invention is patentably distinct over the cited prior art references. Reconsideration of the rejection is respectfully requested.

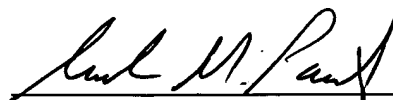
The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above. The prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In summary, the present application is now in condition for allowance, which allowance is respectfully requested. If any remaining issues exist, Applicant respectfully requests to be contacted by telephone at (248) 539-5050.

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Respectfully submitted,

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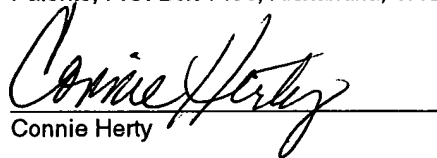


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